

Martha Sheehy
SHEEHY LAW FIRM
P. O. Box 584
Billings, Montana 59103-0584
Telephone: (406) 252-2004
msheehymt@aol.com

Attorney for The Billings Gazette

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

JIMMY RAY BROMGARD,

Plaintiff,

-vs-

STATE OF MONTANA, COUNTY OF
YELLOWSTONE, CHAIRMAN BILL
KENNEDY, COMMISSIONER JOHN
OSTLUND, COMMISSIONER JIM RENO,
ARNOLD MELNIKOFF and MIKE GREELY,

Defendants.

Cause No. CV-05-32-BLG-CSO

**THE BILLINGS GAZETTE'S MOTION
TO INTERVENE REGARDING
DEFENDANTS' MOTIONS TO CLOSE
HEARING AND MOTION TO
ENFORCE PROTECTIVE ORDER
and REQUEST FOR EXPEDITED
RULING**

MOTION

COMES NOW The Billings Gazette as a party interested in these proceedings and moves the Court to intervene pursuant to Rule 24(b)(2), F.R.Civ.P. Specifically, The Gazette seeks leave to file a brief regarding the (1) Defendants' Motion to Close Hearing (Docket No. 179), and (2) Motion to Enforce Protective Order (Docket No. 169). The Defendants' motions impermissibly restrict the public's right of access to these judicial proceedings. The Billings Gazette further moves the Court to be heard orally regarding these motions at the hearing currently scheduled for June 11, 2007.

The Gazette is willing to expedite its briefing in order to preserve the June 11 hearing date. If this motion is granted, The Gazette requests that its Brief In Opposition to Defendants' Motions to Close the Hearing and Enforce Protective Order (lodged as an exhibit to this motion) be filed. The Gazette requests access to the sealed brief in support of Defendants' Motion to Close Hearing to allow an adequate response.

This motion is based upon the First Amendment to the United States Constitution; state and federal common law right of access; and the “right to know” provision, Article II, Section 9 of the Montana Constitution. The Gazette reserves the right to seek legal fees pursuant to Section 2-3-221, MCA and other authority.

REQUEST FOR EXPEDITED RULING

The Billings Gazette requests an expedited ruling on this Motion to Intervene for two reasons. First, absent expedited ruling, The Gazette will not obtain leave to be heard until after the hearing. Second, if leave is granted, counsel must make arrangements to be available at the time of the June 11 hearing.

Counsel for The Billings Gazette has contacted counsel for Plaintiff and counsel for Defendants pursuant to Local Rule 7.1. Plaintiff does not object to The Gazette's Motion to Intervene. The State Defendants object to this motion. Counsel for Defendants Bill Kennedy and John Ostlund did not return the call.

DATED this 4th day of June, 2007.

SHEEHY LAW FIRM
By /s/
MARTHA SHEEHY

P. O. Box 584
Billings, Montana 59103-0584
Attorney for The Billings Gazette

CERTIFICATE OF SERVICE

This is to certify that on the 4th day of June, 2007, a copy of the foregoing document was served upon the following by the following means:

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1. Clerk, U.S. District Court
2. Peter J. Neufeld
Ramzi Kassem
Cochran, Neufeld & Scheck, LLP
99 Hudson Street
New York, NY 10013
3. Ronald Waterman
Julie A. Johnson
Gough, Shanahan, Johnson & Waterman
33 S. Last Chance Gulch
Helena, MT 59624-1715
4. Shelton C. Williams
Williams Law Firm
235 E. Pine
Missoula, MT 59807-9440
5. Daniel Schwarz
Kevin Gillen
Deputy Yellowstone County Attorneys
P.O. Box 35025
Billings, MT 59107

/s/
MARTHA SHEEHY